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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,381	03/24/2004	Hiroshi Yamaguchi	2091-0315PUS1	3317
2292	7590	05/21/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			SELBY, GEVELL V	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2622	
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/807,381	YAMAGUCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gevell Selby	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 3/24/04 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20 and 21 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims regarding a program are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. The following is a suggested preamble:

“a computer readable medium having encoded thereon a computer program comprising a set of instructions when executed by a computer to implement a method for synthesizing images, the method comprising the steps of:”.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Weston et al., US 6,608,563.**

In regard to claim 1, Weston et al., US 6,608,563, discloses a system for providing synthesized images, comprising:

- a plurality of cameras (see figure 4, element 410) for photographing subjects and obtaining image data sets, provided at predetermined locations (see column 7, lines 58-63);
- a transmitting means for transmitting the image data sets, provided at each of the plurality of cameras (see column 9, lines 14-16);
- an image managing means (see figure 4, element 475) for storing the image data sets, which have been transmitted by the transmitting means (see column 9, lines 16-19);
- a subject specifying means (see figure 4, element 475), for specifying the subjects which are pictured in the image data sets (see column 9, lines 16-19);
- a template managing means for storing template data sets (comic book or storybook templates), which are to be synthesized with the image data sets (see column 8, lines 8-28);
- an image searching means (see figure 4, element 475) for searching among the image data sets, which are stored in the image managing means, for image data sets, in which the subjects specified by the subject specifying means are pictured (see column 9, lines 16-19);

an image synthesizing means (see figure 4, element 480) for generating synthesized image data sets, by synthesizing image data sets, which have been located by the image searching means, with predetermined template data sets from among the template data sets, which are stored in the template managing means, according to the photography location of the image data sets, in a predetermined layout (see column 9, lines 22-44); and  
an output means, for outputting the synthesized image data sets (see column 9, lines 25-27).

In regard to claim 2, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claim 1, wherein the subject specifying means comprises:

subject specifying data transmitting means (RFID tags) for transmitting prerecorded subject specifying data (see column 7, lines 42-52); and  
subject specifying data receiving means (see figure 4, element 420) for receiving the subject specifying data, transmitted from the subject specifying data transmitting means (see column 7, lines 53-57);

wherein:

the subject specifying data transmitting means are distributed among subjects in advance (see column 7, lines 42-45); and  
the subject specifying data receiving means receives the subject specifying data of a photographed subject from the subject specifying data

transmitting means held by the photographed subject, corresponding to photography operations of the cameras (see column 7, lines 53-63).

In regard to claim 3, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claim 1, wherein the subject specifying means comprises:

media (RFID tags), in which subject specifying data are recorded (see column 7, lines 42-52); and

readout means (see figure 4, element 420) for reading out the subject specifying data from the media (see column 7, lines 53-57);

wherein:

the media are distributed among subjects in advance (see column 7, lines 42-45); and

the readout means reads out the subject specifying data of a photographed subject from the medium held by the photographed subject, corresponding to photography operations of the cameras (see column 7, lines 53-63).

In regard to claims 4, 5, and 6, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claims 1, 2, and 3, respectively, further comprising:

an image selecting means for selecting image data sets from among the image data sets, which have been located by the image searching means, to be synthesized with the template data sets (see column 8, lines 13-28 and 52-56).

In regard to claims 7-12, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claims 1-6, respectively, wherein the image synthesizing means comprises:

a template selecting means for selecting template data sets from among the template data sets, which are stored in the template managing means, to be synthesized with the image data sets (see column 7, line 66 to column 8, line 6 and lines 13-23);

wherein, the selected template data sets are synthesized with the image data sets (see column 8, lines 56-58).

In regard to claims 13-18, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claims 7-12, respectfully, wherein:

the template selecting means increases the number of selectable template data sets, with which the image data sets are synthesized, according to the number of image data sets in which the same subject is pictured (see column 8, lines 13-19: the more image taken of the person identified with the tag, the more pages the system will provide for the storybook or comic book).

In regard to claims 19, Weston et al., US 6,608,563, discloses an image synthesizing apparatus comprising:

an image receiving means (see figure 4, element 420) for receiving input of image data sets (see column 7, lines 53-57); and  
an image synthesizing means (see figure 4, element 480);

wherein the image synthesizing means generates synthesized image data sets, by synthesizing image data sets, which have been input, with predetermined template data sets according to the photography location of the image data sets, in a predetermined layout (see column 9, lines 22-44).

In regard to claims 20, Weston et al., US 6,608,563, discloses a program that causes a computer to execute a method for synthesizing images, comprising the procedures of:

receiving input of image data sets (see column 7, lines 53-57); and  
generating synthesized images (see column 9, lines 25-27);  
wherein synthesized images are generated, by synthesized image data sets, which have been input, with predetermined template data sets according to the photography location of the image data sets, in a predetermined layout (see column 9, lines 22-44).

In regard to claims 21, Weston et al., US 6,608,563, discloses the program of claim 20. It is inherent the program of the Weston reference is stored on a computer readable medium, in order for the computer 480 to execute the program to synthesize the images.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,526,158, discloses a camera system that uses identification tags to associate subject information with the image.

US 2002/00014468, discloses an image collecting system for photographing image with a target character.

US 6,591,068, discloses an automatic picture taking system at a theme park.

US 6,490,409, discloses a personal photographic collection system involving activities of a customer an amusement park.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



gvs

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